

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NEXPOINT STRATEGIC OPPORTUNITIES  
FUND,

Plaintiff,

v.

ACIS CAPITAL MANAGEMENT, L.P., U.S.  
BANK, N.A., JOSHUA N. TERRY,  
BRIGADE CAPITAL MANAGEMENT, L.P.,

Defendants.

Case No. 1:21-cv-04384-GHW

**NOTICE OF MOTION TO DISMISS  
AND FOR ATTORNEYS' FEES AND  
COSTS**

**Oral Argument Requested**

PLEASE TAKE NOTICE that Defendant Acis Capital Management, L.P., by and through its undersigned counsel, will move this Court, at a date and time to be determined by the Court, for an order dismissing in its entirety Plaintiff's Second Amended Complaint with prejudice under Rule 12(b)(6) of the Federal Rules of Civil Procedure. This Motion is based on the accompanying Memorandum of Law in Support of Defendant Acis Capital Management, L.P.'s Motion To Dismiss Plaintiff's Second Amended Complaint and for Attorneys' Fees and Costs, and the Declaration of Jonathan E. Pickhardt dated January 27, 2022, with exhibits thereto.

Dated: January 27, 2022

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

By: /s/ Jonathan E. Pickhardt  
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*Attorneys for Defendant Acis Capital Management, L.P.*

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on January 27, 2022, he caused a true copy of the foregoing document to be served via CM/ECF to all counsel of record.

/s/ Misha Boutilier  
Misha Boutilier